

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 388 OF 2005

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Shri Sushan Kunjuraman for the
petitioners.

Shri D.S. Mhaispurkar, A.P.P. for the
Respondent Nos. 1 to 5.

Shri Rajeev M. Sawant for the
Respondent No.9.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: 28TH MARCH, 2005

P.C.:

1. Heard. The grievance of the
petitioner is that, during the period
from 5.1.2005 to 10.1.2005 the
petitioners were illegally detained by
the police authorities and they were
assaulted, tortured and harassed during
the said period. In that regard, the
learned advocate for the petitioners
sought to rely upon the medical
certificates regarding the medical
examination of petitioner Nos. 4 and
6. However, those certificates, apart
from disclosing some abrasions on some
part of the body and minor injuries, do
not support any of the allegations on

the part of the petitioners regarding having been tortured and harassed by the police authorities in the case in hand. All the allegations in that regard have also been denied by the respondents by filing the affidavit. Undoubtedly, in case, such harassment has been done to the petitioners by the police authorities, nothing prohibits them from pursuing the legal remedy by following the procedure prescribed under the law. The question of entertaining the petition in relation to the disputed questions of facts does not arise and, therefore, in the absence of any prima facie material in support of the allegations regarding the harassment and torture by the police authorities, leaving it to the petitioners to pursue their regular legal remedy in case there was really such harassment, the petition is rejected.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)